

PTOL-413A (08-03)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No. 09/784,094 First Named Applicant: R. PELLEN
 Examiner: N.S. MAMMEN Art Unit: 3671 Status of Application: Non-Final Action

Tentative Participants:

(1) John PRETA (2) Supervisor T. B. WILI
 (3) Ex. MAMMEN (4) _____

Proposed Date of Interview: _____ Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES

NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102 (s)</u>	<u>31-484-50-59</u>	<u>ELY</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>11</u>	<u>31-33,35-38</u> <u>40-44,48,50-54</u>	<u>HONDA</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>11</u>	<u>31-33,35-41</u> <u>44-46 & 51-53</u>	<u>O'STHAUS</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u></u>	<u>31-33,35-36</u> <u>38-41,47-48,51-53</u>	<u>ARTENS</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

Brief Description of Arguments to be Presented:

Discussion of Applied documents and possible amendments to the claims to more clearly define over the applied documents. See attached.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FACSIMILE COVER LETTER

From: GREENBLUM & BERNSTEIN, P.L.C.

Date: October 15, 2003

To: U.S. Patent and Trademark Office

Attn: Examiner Mammen

File No. :09/784,094 Attorney docket No. P20520

Telefax Number: 703-746-3739 *✓ 1/2 Q*

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 9

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roger PELLENC

Serial No : 09/784,094

Group Art Unit: 3219

Filed : February 16, 2001

Examiner: N.S. Mammen

For : TOOL FOR SOIL CULTIVATING MACHINE AND MACHINE
USING SUCH TOOLS**REQUEST FOR AN INTERVIEW**

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's request, Applicant is herein attaching a form PTOL-413A.

Applicant request the Interview to discuss the prior art rejections in detail and/or to possibly propose amendments to the claims as follows.

(A) Claims 31-48 and 50-54 were rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4,050,519 to VAN DER LELY. The Examiner has again asserted that this document discloses all the recited features of these claims. Applicant completely disagrees. Applicant notes that claim 31 recites a mechanism (ref. 14) which biases the tools against the rotor and that each tool is "movably fixed to the rotor." Moreover, claim 32 recites that the fixing end has a ring portion (ref. 2) that is "movably fixed to the rotor", a soil

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engaging portion which is plate-like (ref. 4), and a mechanism (ref. 14) which biases the tools against the rotor. Finally, claim 33 recites that the fixing end (ref. 2) can be "pivotally and removably mounted to the rotor" and an active portion (ref. 4) that has "an approximately planar portion having a sharp edge." Applicant sees no disclosure to any of these recited features in VAN DER LELY. Moreover, Applicant continues to disagree that the clip 22 acts to bias "the tools against the rotor." The tools 25 are clearly not biased against the rotor. Nor is there any engagement between the tools 25 and the clip 22. Applicant also takes issue with the Examiner's mis-characterization of this document. The Examiner asserts that each tool has a ring which receives a journal. This is entirely incorrect. The tools 25 do not have a ring. To the contrary, the tools 25 have journals which are inserted in rings 23 of the rotor (see col. 2, lines 40-41 and 60-62). Moreover, there is no disclosure indicating that the tools 25 can move in the holders 23. To the contrary, the way they are shown connected in the drawing strongly suggests that they cannot move once the nut 27 is tightened. Thus, it is clear that this document teaches to "movably" mount the tools to the rotor as recited in claims 31-33. Applicant also completely disagrees with the Examiner's assertion that the tools 25 have a planar active portion. It is clear from Fig. 5 that the ribs 44 and 45 are not planar. Finally, we note that the dependent claims further recite many features which are not disclosed by this document.

(B) Claims 31-33, 35-38, 40-44, 48 and 50-54 were rejected under 35 U.S.C. 102(b)

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as being anticipated by US patent 3,246,704 to HONDA et al. The Examiner has again asserted that this document discloses all the recited features of these claims. Applicant completely disagrees. Again, claim 31 recites a mechanism (ref. 14) which biases the tools against the rotor and that each tool is "movably fixed to the rotor." Moreover, claim 32 recites that the fixing end has a ring portion (ref. 2) that is "movably fixed to the rotor" and a mechanism (ref. 14) which biases the tools against the rotor. Finally, claim 33 recites that the fixing end (ref. 2) can be "pivotally and removably mounted to the rotor". In our opinion, these features are clearly not disclosed in this document.

(C) Claims 31-33, 35-41, 44-46 and 51-53 were rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2,816,499 to OSTHAUS. The Examiner has again asserted that this document discloses all the recited features of these claims. Applicant completely disagrees. Again, claim 31 recites a mechanism (ref. 14) which biases the tools against the rotor and that each tool is "movably fixed to the rotor." Moreover, claim 32 recites that the fixing end has a ring portion (ref. 2) that is "movably fixed to the rotor" and a mechanism (ref. 14) which biases the tools against the rotor. Finally, claim 33 recites an active portion (ref. 4) that has "an approximately planar portion having a sharp edge." In our opinion, these features are clearly not disclosed in this document.

(D) Claims 31-33, 35, 36, 38-41, 44-46 and 51-53 were rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2,309,157 to ARIENS. The Examiner has again

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asserted that this document discloses all the recited features of these claims. Applicant completely disagrees. Again, claim 31 recites a mechanism (ref. 14) which biases the tools against the rotor and that each tool is "movably fixed to the rotor." Moreover, claim 32 recites a mechanism (ref. 14) which biases the tools against the rotor. Finally, claim 33 recites "a connecting portion comprising an intermediate space zone which extends downwardly from the fixing end." In our opinion, these features are clearly not disclosed in this document.

Accordingly, Applicant requests that the Examiner clarify each of these rejections.

Applicant also requests that the Examiner comment on possible proposed amendments to claims 31-33 in an effort to further define the invention over these documents.

Proposed Changes to Claims 31-33

31. (Currently Amended) A device for a soil cultivating machine, comprising:
a rotor adapted to be rotatably mounted to the soil cultivating device;
a plurality of tools interchangeably mounted on the rotor;
each of the plurality of tools comprising a fixing end, a soil engaging portion, and a connecting portion which connects the fixing end to the soil engaging portion;
each fixing end being movably fixed to the rotor via an axle;
each soil engaging portion comprising a curved member having a leading edge; and
a mechanism that applies a spring force against the fixing ends of the tools such that

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the fixing ends of for biasing the tools are biased against the rotor,

wherein the fixing ends of the tools are arranged between the rotor and the mechanism.

32. (Currently Amended) A device for a soil cultivating machine, comprising:
- a rotor adapted to be rotatably mounted to the soil cultivating device;
 - a plurality of tools interchangeably mounted on the rotor;
 - each of the plurality of tools comprising a fixing end, a soil engaging portion, and a connecting portion which connects the fixing end to the soil engaging portion;
 - each fixing end comprising a ring portion which is movably fixed to the rotor via an axle;
 - each soil engaging portion arranged below the ring portion and comprising a plate like member having a leading edge; and
 - a mechanism that applies a spring force against the ring portions of the tools such that the ring portions of for biasing the tools are biased against the rotor,
 - wherein the ring portions of the tools are arranged between the rotor and the mechanism, and
 - wherein each of the axles are oriented at an angle relative of a center axis of the rotor.

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33. (Currently Amended) A tool for a soil cultivating machine having a rotor, the tool comprising:

a fixing end comprising an upper space zone, a ring adapted to receive a journal axle, and a pivot axis;

the fixing end being adapted to be pivotally and removably mounted to a rotor about the pivot axis;

a connecting portion comprising an intermediate space zone which extends downwardly from the fixing end; and

an active portion comprising a lower space zone and an approximately planar portion having a sharp leading edge,

wherein the active portion projects towards a direction of rotation of a rotor when the tool is installed on a rotor.

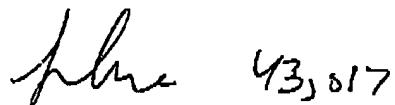
wherein the fixing portion extends from an upper end of the connecting portion and
wherein the active portion extends from a lower end of the connecting portion, and

wherein the fixing portion extends from one side of the connecting portion and
wherein the active portion extends from another side of the connecting portion.

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Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
Roger PELLENC

A handwritten signature in black ink, appearing to read "R. Pellec". To the right of the signature is the number "43,817".

Neil F. Greenblum
Reg. No. 28,394

October 15, 2003
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